

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALAN CLEMENTS,)	
)	No. 08 C 2509
Plaintiff,)	
v.)	
)	Judge Hart
CHICAGO POLICE OFFICER JAMES)	
MOLONEY, Star No. 14332, and)	Magistrate Nolan
CHICAGO POLICE OFFICER)	
ALEJANDRO CABRAL, Star No. 4855,)	
)	Jury Trial Demanded
Defendants.)	

**AGREED MOTION OF DEFENDANT MOLONEY FOR EXTENSION OF
TIME TO FILE RESPONSIVE PLEADINGS AND FOR STAY OF PROCEEDINGS
AGAINST DEFENDANT CABRAL**

Defendant James Moloney, by his attorney, Meghan K. Kennedy, Assistant Corporation Counsel, moves this Court for an extension of time until July 18, 2008, to answer or otherwise plead to Plaintiff's Complaint, and in support of this motion states as follows:

1. Plaintiff filed this Complaint on May 2, 2008, alleging claims of excessive force, under 42 U.S.C. Section 1983, and state law battery against Defendant Officers Moloney and Cabral.

2. Defendant Officer Moloney was served on May 27, 2008. Counsel for Officer Maloney has not yet had an opportunity to meet with him or to obtain the necessary police records to prepare a responsive pleading.

3. Therefore, counsel for Defendant Moloney requests an additional 30 days, through July 18, 2008, to file a responsive pleading to Plaintiff's Complaint. This motion is Officer Moloney's first request for an extension of time to answer or otherwise plead. Upon information and belief, such a request will not prejudice any party nor unduly delay the resolution of the

disputed issues.

4. In addition, Defendant Officer Cabral has not yet been served, due to the fact that he is currently serving overseas in the military. Officer Cabral is set to return from his military leave on August 16, 2008.

5. Since Officer Cabral is on active military duty and is unable to substantially assist in his defense, we ask that, pursuant to the *Service Members Civil Relief Act*, 50 App. U.S.C.A. § 522, the proceedings against Officer Cabral be stayed until his return to service with the Chicago Police Department in August of 2008.

6. On June 6, 2008, counsel for Defendant Moloney sought Plaintiff's agreement to the filing of this Motion, which Plaintiff's counsel has granted.

WHEREFORE, Defendant James Moloney respectfully requests that this court enter an order allowing Defendant Moloney through July 18, 2008, to file his responsive pleading to the Complaint in this cause and to stay the proceedings against Defendant Cabral until he can be properly served following his return from military leave in August 2008.

Respectfully submitted,

BY: /s/ Meghan K. Kennedy
Assistant Corporation Counsel
Attorney for Defendant Moloney

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